



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,830	10/03/2003	John Grunwald	26223-06A	1134
7590	08/02/2006		EXAMINER [REDACTED]	WILSON, LEE D
John L. Cordani Carmody & Torrance LLP 50 Leavenworth Street P.O. Box 1110 Waterbury, CT 06721-1110			ART UNIT [REDACTED]	PAPER NUMBER 3723

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/678,830	GRUNWALD, JOHN
	<b>Examiner</b>	<b>Art Unit</b>
	LEE D. WILSON	3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 22-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 22-26 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. ____ .   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: ____ .                                   |

***Election/Restrictions***

1. Applicant's election of Group II, claims 22-26 in the reply filed on 6/22/06 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Blalock (7037179).

Blalock teaches claim 24 which has a method a polishing pad (143), forming a pad using radiation to change physical properties (col.5, lines 45-68 and col.6, lines 1-20).

In regard to claim 25 see col 7, lines 5-15.

***Claim Rejections - 35 USC § 103***

Art Unit: 3723

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al (2002/0081956A1) in view of Selvamanickam et al (2004/0132382A1).

a. Bennett et al (2002/0081956A1) teaches a method having polishing pad (240), providing a coating of Teflon (see par.44).

b. Bennett et al (2002/0081956A1) does not teach an outer surface being at least .05 microns thick.

c. Selvamanickam et al (2004/0132382A1) teaches that a particle size of abrasives or pad thickness of .05 microns is known which allows the polishing pad to be made with that particular thickness.

d. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Bennett et al device by providing the teaching to have a thickness of .05 microns as taught by Selvamanickam et al which allows the polishing pad to be made with that particular thickness since it is a known value.

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al (2002/0081956A1) as applied to claim 22 above, and further in view of Ono et al (2004/0055223A1).

e. Bennett et al (2002/0081956A1) are discussed above.

- f. Bennett et al (2002/0081956A1) do not teach selecting from a group consisting of dip, spray, spin coating, vacuum metallization, sputtering and electroless plating.
- g. Ono et al teach making a polishing pad selecting from a group consisting of dip coating and spraying which are used to form polishing pads.
- h. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Bennett et al device by providing the teaching to select from a group consisting of dip coating and spraying as taught by Ono et al which are used to form polishing pads.

7. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blalock (7037179) in view of Schutz et al (6929539).

- i. Blalock (7037179) is discussed above.
- j. Blalock (7037179) does not teach the uses of selecting from a group consisting of electron beam radiation and infrared radiation.
- k. Schutz et al (6929539) the uses of selecting from a group consisting of electron beam radiation and infrared radiation (col.10, lines 11-15) which is used in cmp polishing with a polishing pad as an alternative radiations sources.
- l. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Blalock (7037179) device by providing the teaching to have use alternative radiation sources such as electron beam radiation and infrared radiation as taught by Schutz et al (6929539).which

allows the polishing pad to be made with that particular thickness since it is a which is used in cmp polishing with a polishing pad as an alternative radiations sources.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The 892 form discloses prior art which is being made of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE D. WILSON whose telephone number is 571-272-4499. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HAIL can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

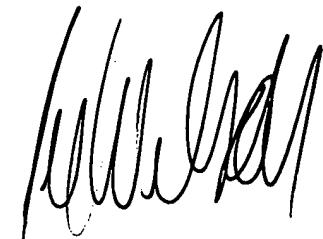
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/678,830  
Art Unit: 3723

Page 6

Ldw

July 31, 2006



LEE D. WILSON  
PRIMARY EXAMINER